

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 01-0344 MHP

Plaintiff(s),

**ORDER REVOKING AND
REINSTATING SUPERVISED RELEASE
AND JUDGEMENT**

v.

ROGER PIERCE,

Defendant(s).

This matter came on pursuant to an Order to Show Cause why supervised release should not be revoked. Defendant appeared in person with his attorney Daniel Horowitz. The United States was represented by Assistant United States Attorney Owen Martiken.

The defendant was advised of the following:

1. His right to a hearing on the alleged violations of supervised release;
2. His right to confront and cross-examine witnesses;
3. His right to produce evidence and witnesses at the hearing without cost to him if he could not afford the same;
4. His right to continue to have court appointed counsel represent him throughout the proceedings; and
5. The nature of the revocation proceedings and the consequences if a violation was found and supervised release revoked or modified.

The court finds that defendant was fully advised of his constitutional and statutory rights in connection with these proceedings either as a basis for modification or revocation; that he fully understands the nature of the proceeding and the defenses that he may assert in the proceeding; that he fully understands the consequences of the proceeding; and that he freely and voluntarily waives

1 his right to a hearing, his counsel consenting thereto.

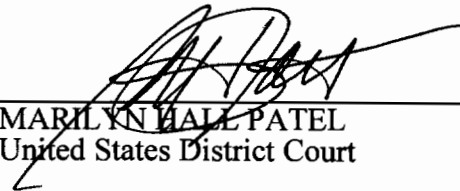
2 The court finds that the defendant has admitted to the violations as alleged in the petition to
3 revoke and that such violations are sufficient cause to revoke supervised release.

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5 Charge 1: Violation of Standard Condition Number Seven which states that defendant
6 shall refrain from excessive use of alcohol and shall not purchase, possess,
7 use, distribute, or administer any controlled substance or any paraphernalia
8 relate to any controlled substances, except as prescribed by a physician, in that
9 defendant tested positive for marijuana on February 13, 2008, and ecstasy on
10 February 29, March 1, March 12, and June 4, 2008. On April 19, 2008 and
11 May 27, 2008, defendant submitted urine samples that returned abnormal for
12 specific gravity.

13 Based on the foregoing,

14 IT IS ADJUDGED that supervised release is hereby REVOKED, and that defendant is
15 remanded into the custody of the Attorney General or his authorized representative for a term of six
16 (6) months, AND REINSTATES a further Term of Supervised Release for a period of 3 years
17 thereafter, with initial six (6) months to be served in a Halfway House-type facility in Fresno,
18 California, or other facility outside San Francisco Bay area, with all previously ordered conditions of
19 release to remain in full effect. Count two of petition is dismissed. Court grants defendant's motion
20 for self-surrender, not later than 12:00 noon on February 9, 2009. Court further recommends
21 placement of defendant in Dublin, CA., facility.

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24 Dated: 2/6/09

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26 MARILYN HALL PATEL
27 United States District Court
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